

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN RYAN MILLER,

Plaintiff,

v.

THOMAS GOGGIN, et al.,

Defendants.

CIVIL ACTION

NO. 22-3329-KSM

ORDER

AND NOW, this 5th day of May, 2023, upon consideration of Defendant Deborah Ryan's Motion to Dismiss (Doc. No. 177), Defendants Thomas Goggin, John O'Donnell, David Sassa, and Robert Dougherty's Motion to Dismiss (Doc. No. 204), Defendants Lisa Bowman, Brian Fox, Sam Ganow, Matt Hurley, Charlie Koennecker, Brian Norris, Jared Zimmerman, Lisa Yelovich, John Propper, Michelle Orner, Jill Hardy, and Jeff Curtis's Motion to Dismiss (Doc. No. 215), Plaintiff John Ryan Miller's Complaint (Doc. No. 1) and Plaintiff's responses in opposition to the motions (Doc. Nos. 229, 251, 271, 275), it is hereby **ORDERED** as follows:

1. Defendant Ryan's motion (Doc. No. 177) is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff has stated a claim against Defendant Ryan in Count V. Counts I, II, III, IV, VI, VII are **DISMISSED WITHOUT PREJUDICE** as to Defendant Ryan. Counts VIII and IX are **DISMISSED WITH PREJUDICE** as to Defendant Ryan.

2. Defendants Goggin, O'Donnell, Sassa, and Dougherty's motion (Doc. No. 204) is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff has stated a claim against Defendant O'Donnell, only, in Count V. Count V is **DISMISSED WITHOUT PREJUDICE** as to Defendants Goggin, Sassa, and Dougherty. Counts I, II, III, IV, VI, VII are **DISMISSED**

WITHOUT PREJUDICE as to Defendants O'Donnell, Goggin, Sassa, and Dougherty. Counts VIII and IX are **DISMISSED WITH PREJUDICE** as to Defendants O'Donnell, Goggin, Sassa, and Dougherty.

3. Defendants Bowman, Fox, Ganow, Hurley, Koennecker, Norris, Zimmerman, Yelovich, Propper, Orner, Hardy, and Curtis's motion (Doc. No. 215) is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff has stated a claim against Defendants Fox, Propper, and Orner in Count I and Count II. Count I and Count II are **DISMISSED WITHOUT PREJUDICE** as to Defendants Bowman, Ganow, Hurley, Koennecker, Norris, Zimmerman, Yelovich, Hardy, and Curtis. Count V is **DISMISSED WITH PREJUDICE** as to Defendants Fox, Propper, and Orner. Count V is **DISMISSED WITHOUT PREJUDICE** as to Defendants Bowman, Ganow, Hurley, Koennecker, Norris, Zimmerman, Yelovich, Hardy, and Curtis. Counts III, IV, VI, VII are **DISMISSED WITHOUT PREJUDICE** as to Defendants Bowman, Fox, Ganow, Hurley, Koennecker, Norris, Zimmerman, Yelovich, Propper, Orner, Hardy, and Curtis. Counts VIII, IX, and X are **DISMISSED WITH PREJUDICE** as to Defendants Bowman, Fox, Ganow, Hurley, Koennecker, Norris, Zimmerman, Yelovich, Propper, Orner, Hardy, and Curtis.

4. Defendants Ryan, O'Donnell, Fox, Propper, and Orner shall answer Plaintiff's Complaint by **May 19, 2023**.

5. Plaintiff is granted leave to file an amended complaint by **June 2, 2023**.

IT IS SO ORDERED.

/s/ Karen Spencer Marston
KAREN SPENCER MARSTON, J.